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REMARKS

By this response, claim 1 has been amended. As support for the above amendments to claim 1 is provided for by the specification and drawings, no new matter has been entered. Accordingly, claims 1-12, and 21-28 are pending in this application.

Chen

In the Office Action, claim 1 is rejected under 35 U.S.C. §102(b) as anticipated by Chen et.al (U.S. 5,590,197)("Chen"). In response to Applicants previous statement that Chen is silent on disclosing "an electronic selection guide page which lists a plurality of user actions (e.g., purchase a product)," the Examiner now states that such a teaching is inherent in the reference as common sense. Inherency is predicated on the fact that anticipation cannot be avoided merely because an element is undisclosed and unrecognized in the reference, but is a deliberate or necessary consequence of the reference's disclosure. See DONALD S. CHISUM, CHISUM ON PATENTS § 3.03 (2004). Described another way, "an inherent disclosure flows naturally from the teachings of the prior art reference." In re Oelrich, 666 F.2d 578, 581 (C.C.P.A. 1981). "Under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device." MPEP 2112.02

Chen is cited for inherently teaching the method of using of a browser to purchase goods over the Internet. Accordingly, claim 1 has been amended to recite elements that do not flow naturally from the teachings of Chen, and for which the web browser of Chen, in its normal and usual operation, would not necessarily perform the method claimed. In particular, amended claim 1 now recites "presenting an electronic selection guide page which lists a plurality of selectable user actions configured to arrange said funeral electronically; and displaying a first electronic response page in response to selection of one of said plurality of user actions; said electronic response page displaying information and choices configured to personalize said funeral electronically." Applicants assert that the recitation of the limitations "configured to arrange said funeral electronically" and "choices configured to personalize said funeral electronically" are positive limitations which further limit their associated process limitations, and thus must

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be considered and addressed in assessing patentability. Purchasing a product from the Internet and displaying its price and description on a web browser as the Examiner's asserts Chen discloses, does not disclose, explicitly or inherently, users actions configured to arrange a funeral electronically, nor information and choices configured to personalize a funeral electronically.

Additionally, "the determination of whether a preamble limits a claim is made on a case-by-case basis in light of the facts in each case; there is no litmus test defining when a preamble limits the scope of a claim." MPEP 2111.02 (citation omitted). See also Jansen v. Rexall Sundown, Inc., 342 F.3d 1329, 1333, 68 USPQ2d 1154, 1158 (Fed. Cir. 2003)(In considering the effect of the preamble in a claim directed to a method of treating or preventing pernicious anemia in humans by administering a certain vitamin preparation to "a human in need thereof," the court held that the claims' recitation of a patient or a human "in need" gives life and meaning to the preamble's statement of purpose.). Likewise, the recitation of the limitations "configured to arrange said funeral electronically" and "choices configured to personalize said funeral electronically" in amended claim 1 gives life and meaning to the preamble's statement of purpose, i.e., a computerized method arranging a funeral electronically. Accordingly, as the preamble provides a distinct definition to the claimed invention's limitations for completeness (which do not stand alone), the preamble must be considered a limitation that is significance to claim construction. Id. Chen fails to disclose arranging a funeral electronically as recited by amended claim 1.

Accordingly, as each and every feature of amended claim 1 is neither disclosed nor taught, explicitly or inherently, by Chen, withdraw of this rejection is requested.

Chen and Arbuckle

Claims 2-12 and 21-28 are rejected as obvious over Chen in view of Arbuckle (U.S. 5,651,117). In view of the above amendment to claim 1 and the above remarks regarding Chen, this rejection is believed moot. In particular, Arbuckle is cited generally for teaching a death notification system. Accordingly, Arbuckle fails to cure the above noted deficiencies of Chen in regards to claim 1, and therefore the recited invention as a whole is not taught or suggested by the recited combination of references.

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Additionally, the Applicants believe that the Examiner errs in suggesting that it would have been obvious to one skilled in the art to combine the purchasing system of Chen with the death notification system of Arbuckle. There is simply no motivation or suggestion in either of these references to support their desired combination nor is there any support in them for the broad and generalized desire of increasing revenues as suggested by the Examiner. If necessary, in the next office action, the Applicants would appreciated where in the cited references such motivation to combine is provided and where in the references it is indicated that such a combination would be reasonably successful.

Please also note that U.S. Publication No. 2003/0212611 (Barrott et al.)(published 11-2003) is not a prior art reference to this application, which was filed July 2, 2001, and is a continuation-in-part of U.S. Pat. Application Serial No. 09/409, filed September 30, 1999. The present application and the reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. See 35 U.S.C. §103(c). Accordingly, inclusion of such a reference in the rejection under 35 U.S.C. 103(a). in paragraph 11 of the Office Action is improper.

In view of all the above comments, withdrawal of this rejection is requested.

Wong

Claims 1-12 and 21-28 are rejected as being anticipated under §102, or in the alternative made obvious under §103, by Wong et al (US 6,115,690)("Wong").
For the same reasons noted above in addressing Chen, Wong does not disclose or suggest among other things, the process limitations of "configured to arrange said funeral electronically" and "choices configured to personalize said funeral electronically" as recited by amended claim 1. There is clearly no teaching or suggestion in Wong that their integrate business-to-business web commerce and business automation system may be used to arrange and personalize a funeral electronically. Wong also fails to disclose or teach arranging a funeral electronically as recited by amended claim 1. As Wong does not teach each and every limitation of claim 1, Wong cannot anticipate this claim.

Additionally, purchasing a product from the Internet, displaying a check out page in response to a user action to check out, and displaying the product's price and

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description on a web browser as taught by Wong, does not disclose or teach, explicitly or inherently, users actions configured to arrange a funeral electronically, nor information and choices configured to personalize a funeral electronically as required by claim 1 as a whole. As claim 2-12 and 21 and 28 depend from claim 1, these claims are also unanticipated and unobvious by the applied art.

In view of the above remarks, withdrawal of the §102 and §103 rejections to Wong is respectfully requested.

Yoshinaga

Claims 1-12 and 21-28 are rejected as being anticipated by Yoshinaga ct al (JP 4 10134105 A)("Yoshinaga").

For the same reasons noted above in addressing Chen, Yoshinaga does not . disclose or suggest among other things, the process limitations of "configured to arrange said funeral electronically" and "choices configured to personalize said funeral electronically" as recited by amended claim 1. Yoshinaga discloses providing a HTML document showing information on traders providing exequy (e.g., burial), funeral and mourning services, and links to their home pages. See Abstract of Yoshinga. There is clearly no teaching or suggestion in Yoshinaga that their HTML web page listing exequy (e.g., burial), funeral and mourning services may be used to arrange and personalize a funeral electronically as required by amended claim 1 as a whole. As Yoshinaga does not teach each and every limitation of amended claim 1, Yoshinaga cannot anticipate this claim. As claim 2-12 and 21 and 28 depend from claim 1, these claims are also unanticipated by the applied art. Withdrawal of this rejection is respectfully requested.

The remaining substantive comments and believed conclusions of law provided by the Examiner in the Office Action are noted by the Applicants, but addressing them in this response is believed moot in view of the above amendments and remarks. However, if necessary, Applicants reserve the right to address them substantively at a later time.
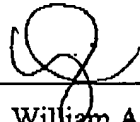

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Finally, as Levine, Nguyen et al, and Blinn et al, were only cited as common knowledge, and not applied specifically against the claims, Applicant reserves providing comments regarding their teaching at this time.

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,

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By _____

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